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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 JEROME ELI MCCOY,

12 Plaintiff,

13 v.

14 POWDER, also known as Dustin Smith,

15 Defendant.
16

No. 2:23-cv-1636-TLN-DMC

ORDER

17 Plaintiff, who is proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. §
18 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of
19 California local rules.

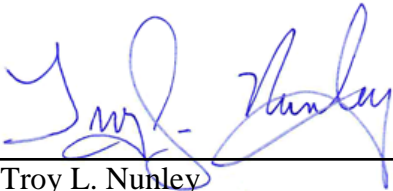
20 On July 10, 2024, the magistrate judge filed findings and recommendations herein which
21 were served on the parties, and which contained notice that the parties may file objections within
22 the time specified therein. (ECF No. 15.) The time to file objections has passed, and no
23 objections to the findings and recommendations were filed.

24 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.
26 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed
27 the file, the Court finds the findings and recommendations to be supported by the record and by
28 the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations, filed on July 20, 2024 (ECF No. 15), are
ADOPTED IN FULL
2. This action is DISMISSED without prejudice;
3. The Court DENIES Plaintiff's Motion for a Subpoena (ECF No. 16) as moot; and
4. The Clerk of the Court is directed to close this case.

Date: September 5, 2024



Troy L. Nunley
United States District Judge